

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LUKE JAMES BLACKLEY,

Plaintiff,

v.

COLUMBIA COUNTY JAIL
and HEALTH SERVICE UNIT,

Defendants.

ORDER

14-cv-633-jdp

In September 2014, plaintiff Luke James Blackley brought this case alleging that staff at the Columbia County Jail discontinued his medications. In a September 19, 2014, order, the court directed plaintiff to submit an inmate account statement so that an initial partial payment of the filing fee could be calculated. Plaintiff did not respond, and the case was closed.

On December 28, 2015, plaintiff submitted a letter and six months of financial information. Dkt. 4 and 4-1. In his letter, plaintiff states that this case was “held open without prejudice,” which is not entirely correct. Although his claims were dismissed without prejudice, the case was closed. It is far too late to reopen this case on the basis of plaintiff’s 14-month-late financial information.

However, because plaintiff’s filings clearly indicate his desire to proceed with his lawsuit, I will direct the clerk of court to open a brand-new lawsuit and docket his submissions in the new case.

In determining whether a prisoner litigant qualifies for indigent status, this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's inmate account statement, I calculate plaintiff's initial partial filing fee for the new case to be \$88.15. I will give plaintiff a short time to submit this amount.

ORDER

IT IS ORDERED that:

1. Plaintiff Luke James Blackley's motion to reopen case no. 14-cv-633-jdp, Dkt. 4, is DENIED.
2. The clerk of court is directed to open a new lawsuit under case no. 16-cv-13-jdp and docket plaintiff's submissions in this case into the new case.
3. Plaintiff is assessed \$88.15 as an initial partial payment of the \$350 fee for filing this case. Plaintiff may have until February 9, 2016, to submit a check or money order made payable to the clerk of court in the amount of \$88.15 or advise the court in writing why he is not able to submit the assessed amount.

Entered January 19, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge